

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Plaintiff,

v.

Case No. 20-CR-79-2-RJA

SEMAJ PIGRAM,

Defendant.

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**DEFENDANT SEMAJ PIGRAM'S  
STATEMENT WITH RESPECT TO SENTENCING FACTORS**

Mr. Pigram and his counsel have reviewed the draft presentence report (ECF 163) prepared by Officer Lisa Ferraro, USPO-WDNY (the "PSR"). There are some minor corrections to the biographical data in the PSR that the defense will discuss with Officer Ferraro prior to sentencing to resolve possible objections.

The defense is aware that Officer Ferraro came to a different calculation of Mr. Pigram's guideline range and criminal history category than is reflected in the plea agreement. The difference between the calculations in the PSR and the plea agreement occurred as a result of a juvenile sentence discovered by Officer Ferraro when she requested, received, and reviewed sealed New York State Probation Records. This juvenile sentence was not reflected on Mr. Pigram's rap sheet/criminal history and was unknown to the government, the defense, and probation prior to Mr. Pigram's plea and Officer Ferraro's requisition of NYSPRO records. The defense discussed this juvenile sentence with Mr. Pigram, the government, and probation and believes that the calculations reported in the PSR are accurate. Nonetheless, the defense will continue to advocate for acceptance of the plea agreement, to include the Rule 11(c)(1)(C) provision regarding the sentence to

confinement, at sentencing. This position will be more thoroughly explained in Mr. Pigram's sentencing memorandum.

Other than the items mentioned above, the defense adopts the findings in the PSR.

Mr. Pigram respectfully requests that the Court advise him about all information which it will consider in imposing sentence which negatively impacts on the defendant and about which the defendant has no prior notice from the presentence report, including, but not limited to, *ex parte* communications with United States Probation Officers and victims. *See generally United States v. Mueller*, 168 F.3d 186 (5th Cir. 1999); *United States v. Corace*, 146 F.3d 51 (2d Cir. 1998); *United States v. Rivera*, 96 F.3d 41 (2d Cir. 1996).

Dated: August 17, 2022  
Williamsville, NY

**SINGER LEGAL PLLC**

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